

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Jay M. SHORT

Application No.: 10/034,985

Confirmation No.: 9024

Filed: December 21, 2001

Art Unit: 1652

For: RECOMBINANT BACTERIAL PHYTASES  
AND USES THEREOF

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Examiner: Delia M. Ramirez, Ph.D.

MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the final Office Action dated June 12, 2007 (“the OA”), Applicants respectfully request entry of the amendment and consideration of the remarks set forth herein. A response to the Office Action was initially due September 12, 2007. Applicants herein submit a petition for a one month extension of time to October 12, 2007, under 37 C.F.R. §1.136, with the appropriate fee under 37 C.F.R. §1.17. Accordingly, this RCE amendment and response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

This response is accompanied by a request for continued examination (RCE) under 37 C.F.R. §1.114. Thus, the finality of the outstanding final office action will be withdrawn and Applicants are entitled to have this first submission for this RCE entered and considered on the merits.

**Amendments to the Specification** begin on page 3 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 4 of this paper.

**Remarks/Arguments** begin on page 21 of this paper.

The following documents are enclosed herewith:

- Transmittal letter;
- Request for continued examination (RCE) under 37 C.F.R. §1.114;
- Petition for a one month extension of time;
- Supplemental Information Disclosure Statement with:
  - Warden, et al. (1962) “Action of antibiotics in stimulating growth of poultry. Effect of *E. coli* and fecal preparations,” Poultry Sci. 41:725; and,
  - Nelson, et al., (1971) “Effect of Supplemental [*Aspergillus*] Phytase on the Utilization of Phytate Phosphorus by Chicks”, Journal of Nutrition Vol. 101 No. 10 October 1971, pp. 1289-1293.
  - Copy of the review by Wodzinski and Ullah (1996) “Phytase” Advances in Applied Microbiol. 42:263-302.
  - Copy of Golovan, et al. (2000) Can. J. Microbio. 46:59-71.